IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1297 OF 2005

Sqn.Ldr (Retd) Surender P.Kohli .. Petitioner

vs

The Muni.Corpn. of Gr.Mumbai .. Respondent

Mr J.J.Shah for Petitioner

Ms A.R.Joshi for Respondent

..

CORAM: D.G.KARNIK, J

DATE: 29th June, 2005

P.C.

1. By this petition the petitioner seeks to restrain the respondent-Municipal Corporation from taking action for demolition of the unauthorised structures erected by him. The petitioner was issued a notice dated 4th July 1998 (Exhibit 1 to the affidavit in reply) under section 347 of the Bombay Muniicipal Corporation Act to show cause why the unauthorised structures should not be demolished. This notice was not replied to by the

petitioner. A further notice was issued to the petitioner on 16th October, 1998 calling upon him to remove the unauthorised structure as he had not replied the show cause notice. The petitioner has not disclosed these facts in the petition and is guilty of suppression. Petition is liable to be rejected on this ground alone.

2. Even otherwise, I do not find any merit in the petition. The petitioner was given a show cause notice and was given sufficient opportunity to show cause that the structures were authorised. He has not shown any cause nor as he applied for regularisation of the structure in accordance with the decision of this court in the case of Sopan Maruti Thopate. In the circumstances, there is no merit in the petition and is rejected summarily.

D.G.KARNIK, J